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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/331,805 06/25/99 KONSTANTINIDIS

A

EXAMINER

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PM82/0419

STEPHAN, B

ART UNIT	PAPER NUMBER
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AIR MAIL

3635

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DATE MAILED:

04/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/331,805

Applicant(s)

KONSTANTINIDIS, APOSTOLOS

Examiner

Beth A Stephan

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Receipt is acknowledged of the amendment filed 11/30/00. Claims 1-19 have been canceled and claims 20-34 have been added. The substitute specification has been entered.

Claim Objections

Claim 25, line 2 objected to because of the following informalities: "the said" is redundant. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 20-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, line 2, "which stirrup" is indefinite.

In claim 21, lines 1-2, "almost cylindrically-shaped cages" is indefinite.

In claim 24, line 2, "are so disposed" is indefinite.

In claim 24, line 5, "T like" is indefinite.

In claim 25, line 3, "set plurality of cages" has no antecedent basis and is unclear.

In claim 27, line 1, "the stirrups" has no antecedent basis since only a stirrup has been previously claimed.

In claim 33, line 4, and claim 34, line 3, "which windings" is unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20-22, 24-25, 28, and 31-32 are rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by European Patent '397. '397 teaches a stirrup consisting of windings(7,7') disposed along a longitudinal axis forming a spiral shape, the windings form a plurality of substantially cylindrical discrete cages for housing rods(2,3,2',3'), see Figures 4 and 5, the stirrup comprises two to four cages and has a T-shape, one of the plurality of cages houses another of the plurality of cages.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over '397. '397 teaches the stirrup discussed previously but lacks the use of 4 cages, the specific material of the stirrups, and the uniform or variableness of the windings. The number of cages, materials thereof, and the variableness of the windings is deemed a matter of obvious design choice for a skilled artisan given the intended use of the load bearing element and the environment within which it will be used.

Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over '397. '397 teaches the stirrup discussed previously but lacks the specific method as claimed. The method is deemed the obvious method given the structure of '397. Specifically, the rod elements, the spiral stirrup having a plurality of windings forming a plurality of discrete cages.

Response to Amendment

Applicant's amendment has overcome the previous objections and rejections.

Allowable Subject Matter

Claim 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

No prior art of record shows the stirrup made up of a single rod, nor any motivation to do so.

Response to Arguments

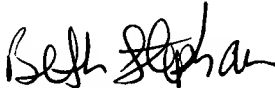
Applicant's arguments filed 11/30/00 have been fully considered but they are not persuasive.

Applicant's argument regarding the '397 reference lacking the use of a stirrup comprising discrete windings is disagreed with by the examiner. The rejected claims do not require that the stirrup be a single rod making up the stirrup.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth A Stephan whose telephone number is (703) 308-2485. The examiner can normally be reached on M-Th, 7:30 - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Beth A Stephan
Primary Examiner
Art Unit 3635

BAS
April 18, 2001